

# Notice of Allowability

Application No.

09/648,697

Examiner

James A. Reagan

Applicant(s)

REDDING ET AL.

Art Unit

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 29 August 2005.
2. ☒ The allowed claim(s) is/are 8,9,17,18,21-23,26 and 40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in response to the amendment filed on 29 August 2005.
2. Claims 10, 19, and 34 have been cancelled by Examiner's amendment.
3. Claims 8, 9, 17-18, 21-23, 26, and 40 are pending and have been examined.

### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
5. Authorization for this examiner's amendment was given in a telephone interview with Edward W. Yee on 04 November 2005.
6. The application has been amended as follows:
  - Cancel claims 10, 19, and 34.

### **Drawings**

7. The drawings have been objected to by the Examiner because they are handwritten and informal. Formal replacements are required.

### Allowable Subject Matter

8. Claims 8, 9, 17-18, 21-23, 26, and 40 are allowed. See Reasons for Allowance under separate heading.

### Reasons For Allowance

9. The following is an Examiner's statement of reasons for allowance:

None of the art of record, taken individually or combination, disclose at least the method step or system component of:

- *wherein each client computer that has received an authorization from a particular license server but has determined that particular license server is no longer capable of managing a distribution of allocations to use the protected software is programmed for:*
  - *locating a new leader server; and*
  - *communicating an additional heartbeat from the client computer to the new leader server;*
  - *where the communication of the additional heartbeat conveys the number of allocations of the protected software required by the client computer.*

More specifically, the prior art of record fails to disclose two heartbeat signals from a newly defined leader server where the second heartbeat signal carries data pertaining to license allocations for software utilized by the client machine on the network. Claims 8, 17, and 26 are distinguished over the closest prior art of Wyman (US 5,204,897) who discloses a license management system (see at least abstract), Badovinatz et al. (US 5,704,032), who discloses

designation a new leader in a group of processors when the current leader fails, and Bains et al. (US 5,579,222) who discloses using a ping to determine if a server is still functioning properly. As recited in independent claims 8, 17, and 26, it is clear that the Applicant's invention is distinguished over the Wyman, Badovinatz, and Bains inventions, separately or in combination, because none of the art taken alone or in combination discloses disclose two heartbeat signals from a newly defined leader server where the second heartbeat signal carries data pertaining to license allocations for software utilized by the client machine on the network.

### Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - SENTINELLM LICENSE MANAGEMENT SYSTEM RELEASE 6.1 RELEASE NOTES (15 January 1999) discloses license management for UNIX and Windows applications on both stand-alone computers and networks.
  - CHO, J H (KR 2001/108689 A) May 30, 2000. Cho discloses a user accesses a messenger server and executes user registration (S2). Then, the user accesses a chatting room (S4). The user selects whether he will participate in an existing chatting room or make a new chatting room (S6). In case that the user wants to make a new chatting room, the messenger server asks him whether he wants to be a room leader (S8). If the user enters yes, a messenger program that a room leader server should have is downloaded from the messenger server (S10). And the user is registered as the room leader of the messenger server (S12).

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

or faxed to:

**571-273-8300** [Official communications, After Final communications labeled "Box AF"]

**571-273-8300** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

JAMES A. REAGAN

Primary Examiner

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04 November 2005

